

SECURITY

INTERCEPTION OF WIRE AND ORAL COMMUNICATIONS
FOR LAW ENFORCEMENT PURPOSES

1. PURPOSE: To implement policies and procedures governing interception of wire and oral communications for law enforcement purposes within the DIA, both in the United States and abroad, as established by DoD Directive 5200.24.

2. REFERENCES:

a. Executive Order 12036, "United States Intelligence Activities," 24 January 1978.

b. DoD Directive 5200.24, "Interception of Wire and Oral Communications for Law Enforcement Purposes," 3 April 1978.

3. APPLICABILITY:

a. This regulation applies to all elements of the DIA within the United States and abroad.

b. This regulation is not applicable to the policy governing:

(1) Telephone monitoring and recording as set forth in DoD Directive 4640.1, "Telephone Monitoring," 3 September 1969, as amended, and DIAR 35-3, "Telephone Monitoring and Recording," 8 December 1977.

(2) Signals Intelligence as set forth in DoD Directive S-3115.7, "Signals Intelligence (SIGINT)."

(3) National Foreign Intelligence Program as set forth in reference a.

4. DEFINITIONS: See enclosure 1.

5. SUPERSESSON: This regulation supersedes DIAR 50-4, "Interception of Wire and Oral Communications," 14 November 1977.

6. POLICY:

a. There will be no interception of wire or oral communications for law enforcement purposes except in accordance with applicable law and regulation.

b. DIA personnel and elements are not authorized to intercept wire and oral communications or conduct pen register operations.

c. DIA personnel and elements are not authorized to procure, maintain or store in DIA-occupied or controlled spaces any mechanical or electronic equipment or devices primarily useful for intercepting wire or oral communications.

7. RESPONSIBILITIES:

a. Chiefs of all elements will insure that the contents of this regulation are made known to all DIA personnel, both in the United States and abroad.

b. The Assistant Deputy Director for Security Services (RSS) will:

(1) Be the DIA point of contact for coordination with law enforcement agencies for investigative or law enforcement purposes within all elements of the DIA.

(2) Insure compliance with the administrative controls established by this regulation and references a and b.

8. COURT ORDER:

a. The DIA General Counsel (GC) will be the DIA point of contact in connection with court ordered intercepts issued to DoD components that may be a matter of interest to the DIA during the course of a lawful investigation.

b. RSS will be the DIA point of contact for coordination with law enforcement agencies for implementation of such an order within the DIA and its elements. RSS will keep the GC and the DIA Command Element fully informed regarding the status of any court-ordered intercept.

c. Dissemination of information regarding the receipt of a Court Order and its implementation within the DIA will be held to

an absolute minimum number of individuals and the "need-to-know" principle will be strictly applied.

FOR THE DIRECTOR:

OFFICIAL:



MERRILL E. SCHARMEN
Colonel, USAF
Assistant Deputy Director
for Support and Services

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Rear Admiral, USN
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Enclosure
Definitions

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DEFINITIONS

A. Abroad. Outside the United States. An interception takes place abroad when the interception device is located and operated outside the United States and the target of the interception is located outside the United States.

B. Court Order. An order issued by a judge of a U.S. District Court or a U.S. Court of Appeals or by a military judge authorizing a wire or oral interception or a pen register operation.

C. Electronic, Mechanical, or Other Device. Any device or apparatus that can be used to intercept a wire or oral communication other than any telephone equipment furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and used by the subscriber or user in the ordinary course of its business or used by an investigative or law enforcement officer in the ordinary course of duty.

D. Interception. The aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device. The term "contents" includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication.

E. Oral Communication. Any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception, under circumstances justifying such expectation.

F. Pen Register. A device connected to a telephone instrument or line that permits the recording of telephone numbers dialed from a particular telephone instrument. "Pen register" also includes decoder devices used to record the numbers dialed from a touch-tone telephone. "Pen register" does not include equipment used to record the numbers dialed for and duration of long-distance telephone calls when the equipment is used to make such records for an entire telephone system and for billing or communications management purposes.

G. United States. For the purposes of this regulation, the term "United States" includes the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

H. Wire Communication. Any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection

ENCLOSURE 1

DIAR 50-4

between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications.